

Attorney Docket: 10799/13

## DECLARATION AND POWER OF ATTORNEY

As the below named joint inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

We believe we are an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **DNA ENCODING APOPTOSIS-INDUCED EUKARYOTIC INITIATION FACTOR-5A AND DEOXYHYPUSINE SYNTHASE AND A METHOD FOR CONTROLLING APOPTOSIS IN ANIMALS AND HUMANS** the specification of which (check one):

or \_\_\_\_\_ is attached hereto  
was filed on July 23, 2001  
as United States Application No. 09/909,796,  
and was amended on \_\_\_\_\_.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application, as defined in 37 C.F.R. §1.56.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56, including all material which became available between June 26, 1998, the filing date of prior application Serial No. 09/105,812 (abandoned) and the filing date of the above-cited Continuation-in-Part application (37 CFR §1.63(d)).

We hereby claim foreign priority benefits under Title 35 United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below. We have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

<u>Appl. Serial No./ Country</u>	<u>Filing Date</u>	<u>Status</u>	<u>Priority Claimed</u>
_____	_____	_____	Yes: <u>          </u> No: X

*Additional foreign applications are listed on an attached supplemental priority data sheet.*

We hereby claim the benefit under Title 35, United States Code §120, of any United States applications or §365(c) of any PCT international application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in those prior applications in the manner provided by the first paragraph of Title 35, United States Code §112, we acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>U.S. / PCT Appl. Serial No.</u>	<u>Filing Date</u>	<u>Status/Patent No.</u>	<u>Priority Claimed</u>
_____	_____	_____	Yes: <input type="checkbox"/> No: X
_____	_____	_____	Yes: <input type="checkbox"/> No: _____
_____	_____	_____	Yes: <input type="checkbox"/> No: _____

       Additional U.S. / PCT applications are listed on an attached supplemental priority data sheet.

We hereby claim the benefit under Title 35, United States Code §119(e), of any United States provisional applications listed below :

<u>Application Number</u>	<u>Filing Date</u>
_____	_____
_____	_____

And I hereby appoint the registered practitioners of Kenyon & Kenyon included in the Customer Number provided below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Richard L. DeLucia	Registration No. 28,839
Elizabeth Gardner	Registration No. 36,519
Judith L. Toffenetti	Registration No. 39,048, and
Jennifer L. King	Registration No. 46,828

our attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all correspondence to the above Customer Number.

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Please address all communications regarding this application to:

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Direct all telephone calls to:

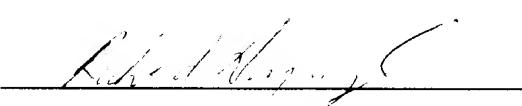
Jennifer L. King  
at (202) 220-4363

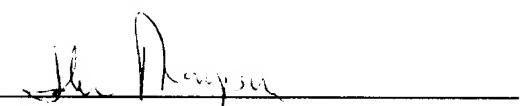
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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